

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

EPIFANIO REYES NUNEZ,)
)
 Plaintiff,) 8:09CV62
)
)
 v.)
)
)
DRUG ENFORCEMENT) ORDER AND JUDGMENT
ADMINISTRATION,)
)
 Defendant.)
)
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Pursuant to the memorandum opinion entered herein this date,

IT IS ORDERED:

1) The clerk of the court is directed to file plaintiff's second motion for leave to proceed in forma pauperis (Filing No. 8) and plaintiff's Prisoner Account Statement in support thereof (Filing No. 9), in Case No. 8:09CV99.

2) Plaintiff's complaint (Filing No. 1) is dismissed without prejudice.

3) Plaintiff's second motion for leave to proceed in forma pauperis (Filing No. 8) is denied as moot.

4) Pursuant to the Prison Litigation Reform Act, Epifanio Reyes Nunez is hereby notified that the filing of a notice of appeal by a prisoner makes the prisoner liable for payment of the full \$455.00 appellate filing fee regardless of

the outcome of the appeal. An incarcerated civil appellant is required to pay the full amount of the \$455.00 filing fee by making monthly payments to the Court, even if he or she is proceeding in forma pauperis. 28 U.S.C. § 1915(b).

By filing a notice of appeal, the prisoner consents to the deduction of the \$455.00 filing fee from the prisoner's prison account by prison officials. The prisoner must submit to the clerk of the district court a certified copy of the prisoner's prison account for the last six months within 30 days of filing the notice of appeal. Failure to file the prison account information will result in the assessment of an initial appellate partial fee of \$35 or such other amount that is reasonable, based on whatever information the Court has about the prisoner's finances.

DATED this 17th day of April, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court